Scott. II-27—23,000—24-12-33.

Dev (1933) Department.

Ms SERIES.

G.O. No. 1470

DATED 4-12-33

[Despatch Abstract.]

Forests — South Kanara — revised boundary description of Viraktamba blks I and II — papers recorded — amendment of Forest Act desired

C.F. 30.

FOREST **DEPARTMENT.**

13 MAY 1933
DEVELOPMENT DEPARTMENT

D 1107-I
13-5-33

Received ..... 19 . *Registered* 19

Subject.

Forests - South Kanara - revised description of Virakhamba Bits I and II

ENCLOSURES.
No.
Draft notifn in duplicate
Sketch.
Spare copies

Ref. No. 11015-30-D3.

Station Madras , *Dated the* 9th May 1933

From (Name) A. Wimbush Esq., I.F.S.

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

Development Department.

Sir,

I submit a draft notification re-describing the boundaries of Virakhamba bits I and II Reserved Forests in Puttur taluk, South Kanara district for approval and publication in the Fort Saint George Gazette.

2. The reason for the publication of a revised description is that the original boundary description of the blocks approved in G.O. No. 622 Revenue, dated 4-7-1906 is so vague that it is impossible to follow the description on the ground owing to the altered conditions due to resurvey. The notification now submitted closely follows the details of Revenue re-survey.

P&H 12 (0)

3.

3. The Superintendent, Government Press, may be directed to supply to this office two copies of the notification on publication.

12.5

for Chief Conservator.

11-5-33

ks.10.5.33.

12.5.33

RECD
13 MAY 1933

Notification

With reference to notification No. 324 dated 4-7-1906, published under Section 16 of the Madras Forest Act V of 1882 at page 777 of part I of the Fort St. George Gazette dated 17-7-1906, declaring Virakhamba Bit No. I and II blocks as reserved forests the following amended and more accurate descriptions based on the Resurvey of 1927, detailed under schedules I and II below shall be substituted for the descriptions contained in the said notification.—

Schedule No. I.

District	South Kanara
Taluk	Puttur
Villages	1. 154 Mani 2. 155 Virakhamba 3. 156 Ananthadi 4. 157 Madnuru Resurvey began in 1927 as per sanction issued in notification dated 10-7-24 published at page 1388, Part II of Fort St. George Gazette dated 15-7-1924. Survey declared final under Section 13 of the Survey and Boundaries Act 1923 in Notifications dated 14-11-1931 published in South Kanara District Gazette dated 24-10-1931 and 24-12-1931 respectively.
Name of block	Virakhamba Bit I.

Boundaries.

North. Starting from the rock mark at the field trijunction (stone) of S.Nos. 56 57 and 58, the south sides of S.Nos.56 and 43 thence the east sides of S.Nos.42 and 30; thence the south side of S,No.29, the south and east sides of S.No.28, the east sides of S.Nos.27 and 26 to the easternmost corner of the latter field. (All these S.Nos. are of Virakhamba village No.155). Thence the south sides of S.Nos. 12,13,14,23,24,25 to the trijunction stone of S.No. .25,26,103 thence the south west sides of S.Nos 103 and 106 and the south sides of S.Nos. 107,112 and 113 to the south eastern most corner of the last field. (All these survey Nos are of Mani village No.154).

East. Thence the west side of S.No. 178 of Mani village to the northernmost corner of S.No.1 of No.157 Madnuru village; Thence the northside of S.No.1 of Mudnur village to its northwest corner.

South. Thence the north sides of S.Nos.39 and 28, the north and west sides of S.No.1, the west sides of S.Nos. 4 and 5 to the quadrijunction of S.Nos. 5,6,82 and 89, thence the north sides of S.Nos.89 and 90, the north and west sides of S.No. 91, the west side of S.No. 96 and the north side of S.No. 97 to its north west corner (All these survey numbers are of Ananthadi). Thence, the north sides of S.Nos. 134, a portion of the north side of 132 the east side of S No.131, the east and north sides of S.No. 130 and 129 to the north west corner of the latter field. (All these survey numbers are of Virakhamba).

West. Thence the portions of the east sides of S.Nos. 126 and 58 of Virakhamba village to the starting point.

Remarks. A. The following cave is demarcated and treated as an enclosure within the reserve, with right to the public to go to it on the Sravana Amavasai and Vinayakachathurthi days annually and make offerings and burn camphor. Access to the enclosure will be by P.R.W.No.D.iii Mani Ananthadi foot path. The cave known as Thirthaguli tank about 45 links in diameter and 454 lanks north, north west of the survey stone at the north western most corner of S.No.I of 156 Ananthadi village (C.No.16) with space two chains square round it.

Note. The right will be liable to be withdrawn if owing to the neglect of the worshippers the adjoining forest is allowed to catch fire.

B. The following permission to worship is admitted within the reserve:-

Permission to Bhagirathi Amma and her tenant cultivators or the owners for the time being and tenants of S.Nos 55/1 and 2 56/1 and 2 (Muli No.8) of Virakhambha to worship at two Bhutas

within the Reserve, the bhutas being stones at the foot of trees situate on the left and right banks of the small stream issuing from the reserve south of (Cairn No.2-A) the second survey stone counting westwards on the southern boundary of S.No. 43 of Virakhamba from its south eastern most corner and at a distance of 318 and 449 links respectively south east of that survey stone. The worship will consist of individual offerings and obeisances to the bhutas and no enclosure or building is permitted in connection with the demon worship. Right of way to these bhutas will be by a path four feet wide for men only running along the south bank of the stream issuing from the reserve close on the south of the survey stone referred above to the bhutastanas in turn.

C. The following water easements are admitted within the Reserve:

Permission to the cultivator or cultivators for the time being of Thekkipapu cultivation S.Nos.55/1 and 2 and 56/1 and 2 (Muli warg No.8) of Virakhamba to construct a dam within the reserve at a point 182 links south east of (Cairn No.2A) the second survey stone counting westwards from the south eastern most corner stone on the southern boundary of S.No. 43 of Virakhamba village, across a small stream issuing from the reserve close to that survey stone on the south side. The dam will consist of only earth and stones, materials gathered from within the reserve, these being collected from the bed of the stream dammed which will be taken to be five feet at the point dammed. The dam should not exceed three feet in height. Permission is also accorded to lead off water from this dam by a channel three feet bread leaving it on its northern side passing through the reserve north west ward some 227 links and quitting it on the south side of the survey stone referred above. The repair of the channel should be executed with materials taken from its bed within the limits specified therefor. Right of entry into the reserve for the construction of the dam and maintenance of the channel will be by the bed of the channel. This easement will be in force from

June to October every year.

D. The following rights of ways are admitted within the reserve to a width of 30 ft:

P.R.W I. Virakhamba Arabettu foot path. Length about two furlongs, for men only.

It enters the Reserved Forest on its south boundary at a point 91 links south east of the northernmost corner of R.S. No. 129 (Cairn No. 40 corresponding point) runs north for a distance of about 2 furlongs and quits it on the north boundary at the south easternmost corner of S.No.30 (corresponding point Cairn 3) (The survey numbers referred to are of Virakhamba village).

P.R.W II. Arabettu Ananthadi foot path.

Length about 1 mile - for men only.

It enters the reserve on its north boundary at a point ten chains north of survey stone at the southernmost corner of S.No. 28 of Virakhamba village (corresponding point Cairn 5) passes round the western slopes of Sullamale hill for about one mile and quits it on the southern boundary at a point 62 links east of the survey stone at the northwesternmost corner of S.No. 90 of 156 Ananthadi village.

P.R.W. III. Mani - Ananthadi foot path. Length about 5 furlongs for men only

It enters the reserve on its north boundary at a point 227 links west of the survey stone at the south east corner of S.No, 25 (west of cairn No.9) of 154 Mani village, passes through it over the eastern slope of the Sullamale hill, south south west for about 5 furlongs and quits it on its south boundary at a point 227 links east of the survey stone at the northwest corner of S.No.1 (corresponding point cairn 16) of village No. 156 Ananthadi.

P.R.W. IV. Mani Ananthadi foot path. Length about 2½ furlongs for men and cattle.

It enters the reserve on its north boundary at the south east corner of S.No. 107 of 154 Mani village (corresponding point Cairn 11) passes through its south southwest along the slopes of Kadanje hill for about 2½ furlongs and quits it on the south boundary of the reserve at the north east corner of S.No.1 (cairn No.15) of village No. 156 Ananthadi village

Schedule II.

District	South Kanara
Taluk	Puttur
Villages	1. 155 Virakhamba 2. 156 Ananthady. 3. 161 Vitla
	Resurvey began in 1927 as per sanction issued in notification dated 10-7-24 published at page 1388 part II Fort St. George Gazette dated 15-7-24 survey declared final in Notification dated 14-10-31 and 14-11-31 published in the [illegible] District Gazette dated 24-10-31 and 24-12-31 respectively.
Name of block	Virakhamba Bit II

North. Starting from the easternmost corner of S.No.144 of Virakhamba village the south sides of S.Nos. 143,136, 135 and 134 to the south east corner of the last field. (All these fields are of Virakhamba) Thence the south sides of S.Nos. 97,98 and 102 to the rock mark at the trijunction of S,Nos. 102,103 and 110.

East. Thence the west sides of S.Nos. 110,111,112,122,123 and a part of the west side of 124 to the rock mark at the second survey stone counting from the northwest corner of the last field. (All these fields are of Ananthadi).

South. Thence the remaining portion of the west side of S.No. 124 of Ananthadi to its south west corner. Thence the west sides of S.No.1,11 the north sides of S.Nos. 67, 68 and 69 to the north west corner of the last field, a trijunction of S.No.69 of Vitla and S.Nos. 298 and 307 of Virakhamba villages. (All these fields are of Vitla). Thence the north side of S.Nos. 307, 306, 305 and 304 to the north west corner of the last field.

West, Thence the east sides of S.Nos. 244, 243, 197 and 195, and the east and north sides of S.No. 193, the north side of S.No. 192, thence part of the east side of S.No. 191, and the east north and west sides of S.No. 189, the east sides of S.Nos. 162, 161 and 160 and part of 144 to the starting point. (All these fields are of Virakhamba).

Remarks. A. The following cultivation is demarcated and treated as an enclosure within the reserve free from reservation.

Kalmale cultivation. The enclosure consists of resurveyed field Nos. 308 to 320 of Virakhamba village, comprising an area of 86.57 acres in extent.

B. The following public rights of way are admitted within the reserve to a width of 30 feet and open to men and cattle:-

I. Kelinje-Ananthadi foot path. Length about 5 furlongs

It enters the reserve on its west boundary at a point 227 links north of the easternmost corner (Cairn No. 29) of S.No. 193 of 155 Virakhamba village, passes through it first, north north east for 1½ furlongs and then north east for 3½ furlongs and quits it on the north east corner of the reserve at the trijunction of S.Nos. 102, 103 and 110 of Ananthadi village (cairn No. 23).

II. Kalmale - Ananthadi foot path. Length about 2 furlongs.

It enters the reserve at the south east corner of S.No.320 (Cairn No.2 of Kalmale enclosure) of Virakhamba village, passes through the reserve, east, north east for a distance of two furlongs and quits it on the eastern boundary at a point 909 links south east of the north west corner of S.No.112 of No. 156 Ananthadi village (corresponding cairn No. 24).

R. III. Kelinje - Vokkethur foot path. Length about 3½ furlongs.

It enters the reserve on its west boundary at a point 213 links south west of the 4th survey stone counting from the north east corner of S.No. 197 (L.F. Road) passes through it, east north east for 1⅛ furlongs and quits it (into the Kalmale enclosure at a point 227 links north east of the south west corner of S.No. 309 (corresponding point 50 yards north C.15 of the enclosure). It re-enters the reserve on the eastern boundary at a point 227 links north of the rock mark (C.No. 8 of Kalmale enclosure) at the south east corner of S.No.313, (All these fields are of No.155 Virakhamba village), passes through it in a south easterly direction for a distance of about 2 furlongs and finally quits it on its south boundary at a point 380 links south west of the north west corner of S.No.11 of 161 Vitla village.

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Notification

With reference to notification No. 324 dated 4-7-1906, published under Section 16 of the Madras Forest Act V of 1882 at page 777 of part I of the Fort St. George Gazette dated 17-7-1906, declaring Virakhamba Bit No. I and II blocks as reserved forests the following amended and more accurate descrip tions based on the Resurvey of 1927, detailed under schedules I and II below shall be substituted for the descriptions contained in the said notification.

Schedule No. I.

District	South Kanara	
Taluk	Puttur	
Villages	1. 154 Mani 2. 155 Virakhamba 3. 156 Ananthadi 4.157 Madnuru	Resurvey began in 1927 as per sanction issued in notification dated 10-7-24 published at page 1388, Part II of Fort St. George Gazette. dated 15-7-1924. Survey declared final under Section 13 of the Survey and Bounda Act 1923 in Notifications dated 14-11-1931 published in South Kanara District Gazette dated 24-10-1931 and 24-12-1931 respectivel
Name of block	Virakhamba Bit I.	

Boundaries.

North. Starting from the rock mark at the field trijunction (stone) of S.Nos. 56, 57 and 58, the south sides of S.Nos.56 and thence the east sides of S.Nos.42 and 30; thence the south side S,No.29, the south and east sides of S.No.28, the east sides of S.Nos.27 and 26 to the easternmost corner of the latter field. (All these S.Nos. are of Virakhamba village No.155). Thence the south sides of S.Nos. 12,13,14,23,24,25 to the trijunction stone of S.No. .25,26,103 thence the south west sides of S.Nos 103 and 106 and the south sides of S.Nos. 107,112 and 113 to the south eastern most corner of the last field. (All these survey Nos are of Mani village No.154).

East. Thence the west side of S.No. 178 of Mani village to the northernmost corner of S.No.1 of No.157 Madnuru village; Thence the northside of S.No.1 of Mudnur village to its northwest corner.

South. Thence the north sides of S.Nos.39 and 28, the north and west sides of S.No.1, the west sides of S.Nos. 4 and 5 to the quadrijunction of S.Nos. 5,6,82 and 89, thence the north sides of S.Nos.89 and 90, the north and west sides of S.No. 91, the west side of S.No. 96 and the north side of S.No. 97 to its north west corner (All these survey numbers are of Ananthadi). Thence, the north sides of S.Nos. 134, a portion of the north side of 132 the east side of S No.131, the east and north sides of S.No. 130 and 129 to the north west corner of the latter field. (All these survey numbers are of Virakhamba).

West. Thence the portions of the east sides of S.Nos. 126 and 58 of Virakhamba village to the starting point.

Remarks. A. The following cave is demarcated and reated as an enclosure within the reserve, with right to the ublic to go to it on the Sravana Amavasai and Vinayakachathurthi ays annually and make offerings and burn camphor Access to the nclosure will be by P.R.W.No.D.iii Mani Ananthadi foot path. e cave known as Thirthaguli tank about 45 links in diameter d 454 links north, north west of the survey stone at the orth western most corner of S.No.I of 156 Ananthadi village C.No.16) with space two chains square round it.

Note. The right will be liable to be withdrawn if owing to the neglect of the worshippers the adjoining forest is allowed to catch fire.

B. The following permission to worship is admitted within the reserve:-

Permission to Bhagirathi Amma and her tenant cultivators or the owners for the time being and tenants of S.Nos 55/1 and 2 56/1 and 2 (Muli No.8) of Virakhambha to worship at two Bhutas

within the Reserve, the bhutas being stones at the foot of trees situate on the left and right banks of the small stream issuing from the reserve south of (Cairn No.2-A) the second survey stone counting westwards on the southern boundary of S.No. 43 of Virakhamba from its south eastern most corner and at a distance of ~~26~~ 318 and 449 links respectively south east of that survey stone. The worship will consist of individual offerings and abeisances to the bhutas and no enclosure or building is permitted in connection with the demon worship. Right of way to these bhutas will be by a path four feet wide for men only running along the south bank of the stream issuing from the reserve close on the south of the survey stone referred above to the bhutastanas in turn.

C. The following water easements are admitted within the Reserve.

Permission to the cultivator or cultivators for the time being of Thekkipapu ~~xx~~ cultivation S.Nos.55/1 and 2 and 56/1 and 2 (Kuli warg No.8) of Virakhamba to construct a dam within the reserve at a point 182 links south east of (Cairn No.2A) the second survey stone counting westwards from the south eastern most corner stone on the southern boundary of S.No. 43 of Virakhamba village, across a small stream issuing from the reserve close to that survey stone on the south side. The dam will consist of only h and stones, materials gathered from within the reserve, these being collected from the bed of the stream dammed which will be taken to be five feet at the point dammed. The dam should not exceed three feet in height Permission is also accorded to lead off water from this dam by a channel three feet broad leaving it on its northern side passing through the reserve north west ward some 227 links and quitting it on the south side of the survey stone referred above. The repair of the channel should be executed with materials taken from its bed within the limits specified therefor. Right of entry into the reserve for the construction of the dam and maintenance of the channel by the bed of the ch

June to October every year.

D. The following rights of ways are admitted withi the reserve to a width of 30 ft:

P.R.W I. Virakhamba Arabettu foot path. Length about two furlongs, for men only.

It enters the Reserved Forest on its south boundary at a point 91 links south east of the northernmost corner of R.S. No. 129 (Cairn No. 40 corresponding point) runs north for a distance of about 2 furlongs and quits it on the north boundary at the south easternmost corner of S.No.30 (corresponding point Cairn 3) (The survey numbers referred to are of Virakhamba village)

P.R.W II. Arabettu Ananthadi foot path.

Length about 1 mile - for men only.

It enters the reserve on its north boundary at a point ten chains north of survey stone at the southernmost corner of S.No. 28 of Virakhamba village (corresponding point Cairn 5) passes round the western slopes of Sullamale hill for about one mile and quits it on the southern boundary at a point 62 links east of the survey stone at the northwesternmost corner of S.No. 90 of 156 Ananthadi village.

P.R.W III. Mani - Anenthadi foot path. Length about 5 furlongs for men only.

It enters the reserve on its north boundary at a point links west of the survey stone at the south east corner of S.No, 25 (west of cairn No.9) of 154 Mani village, passes through it over the eastern slope of the Sullamale hill, south south west for about 5 furlongs and quits it on its south boundary at a point 227 links east of the survey stone at the northwest corner of S.No.1 (corresponding point cairn 16) of village No. 156 Ananthadi.

P.R.W.IV. Mani Ananthadi foot path. Length about 2¾ furlongs for men and cattle.

It enters the reserve on its north boundary at the south east corner of S.No. 107 of 154 Mani village (correspondin point Cairn 11) passes through its south southwest along the slopes of Kadanje hill for about 2½ furlongs and quits it on the south boundary of the reserve at the north east corner of S.No.1 (cairn No.15) of village No. 156 Ananthadi village

Schedule II.

District	South Kanara
Taluk	Puttur
Villages	1. 155 Virakhamba 2. 156 Ananthady 3. 161 Vitla
	Resurvey began in 1927 as per sanction issued in notification dated 10-7-24 published at page 1388 part II Fort St. George Gazette dated 15-7-24 survey declared final in Notification dated 14-10-31 and 14-11-31 published in the ~~NXXXXXXXXX~~ District Gazette dated 24-10-31 and 24-12-31 respectively.
Name of block	Virakhamba Bit II

North. Starting from the easternmost corner of S.No.144 of Virakhamba village the south sides of S.Nos. 143,136, 135 and 134 to the south east corner of the last field. ~~(All these fiel~~ are of Virakhamba) Thence the south sides of S.Nos. 97,98 and 102 to the rock mark at the trijunction of S,Nos. 102,103 a 110.

East. Thence the west sides of S.Nos. 110,111,112,122,123 and a part of the west side of 124 to the rock mark at the sec survey stone counting from the northwest corner of the last fi. (All these fields are of Ananthadi).

South. Thence the remaining portion of the west side of S.No. 124 of Ananthadi to its south west corner. Thence the west sid of S.No.1,11 the north sides of S.Nos. 67, 68 and 69 to the north west corner of the last field, a trijunction of S.No.69 of Vitla and S.Nos. 298 and 307 of Virakhamba villages. (All these fields are of Vitla). Thence the north side of S.Nos. 307 306, 305 and 304 to the north west corner of the last field.

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Remarks. A. The following cultivation is demarcated and treated as an enclosure within the reserve free from reservation.

Kalmale cultivation. The enclosure consists of resurveyed ⅓ field Nos. 308 to 320 of Virakhamba village, comprising an area of 86.37 acres in extent.

B. The following public rights of way are admitted within the reserve to a width of 30 feet and open to men and cattle:-

I. Kelinje-Ananthadi foot path. Length about 5 furlongs

It enters the reserve on its west boundary at a point 227 links north of the easternmost corner (Cairn No. 29) of S.No. 193 of 155 Virakhamba village, passes through it first north north east for 1½ furlongs and then north east for 3½ furlongs and quits it on the north east corner of the reserve at the trijunction of S.Nos. 102, 103 and 110 of Ananthadi village (cairn No. 23).

II. Kalmale - Ananthadi foot path. Length about 2 furlongs.

It enters the reserve at the south east corner of S.No.320 (Cairn No.2 of Kalmale enclosure) of Virakhamba village, passes through the reserve, east north east for a distance of two furlongs and quits it on the eastern boundary at a point 909 links south east of the north west corner of S.No.112 of No. 156 Ananthadi village (corresponding cairn No. 24).

No. III. Kelinje - Vokkethur foot path. Length about 3½ furlongs.

It enters the reserve on its west boundary at a point 213 links south west of the 4th survey stone counting from the north east corner of S.No. 197 (L.F. Road) passes through it, east north east for 1½ furlongs and quits it (into the Kalmale enclosure at a point 227 links north east of the south west corner of S.No. 309 (corresponding point 50 yards north C.15 of the enclosure). It re-enters the reserve on the eastern boundary at a point 227 links north of the rock mark (C.No. 8 of Kalmale enclosure) at the south east corner of S.No.313, (All these fields are of No.155 Virakhamba village), passes through it in a south easterly direction for a distance of about 2 furlongs and finally quits it on its south boundary at a point 380 links south west of the north west corner of S.No.11 of 161 Vitla village.

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17

~~Telegraph~~

To

~~The CCF~~

O.M. 11071/33-1D 226-33

C.C.'s

~~Your~~ Letter Ref. No.
11015-30-D3 & 7.5.933 -
Revised description of
boundary
Virakhamba Bits I & II - South
Kanara dt

The Cer. is requested to state
~~Will you please let me~~
~~know~~ whether the area
comprised in the boundaries
specified in Schedules I and
II appended to the letter read
above includes any land
which was not included
in the notification appended
to Govt Rev. D. 4-7.1906,
or whether the area within the
new boundaries is identical
with the area comprised in the
notification of 1906.

(1)

To the C.C.F.

Reminder on 1/8/33

24/6

24/6

12/8/33

24/6/33

24/6/33

18

Development department.

O.M.No. 1107 T/33-3 29.6.33

S.O. 622 Rev 4.7.06

10/29b.

P.C.F.

In 1906 certain areas in the South Kanara district were declared to be reserve forest by a notification under section 16 of the Madras Forest Act, V of 1882, and the boundaries of the areas were set out in the notifi-cation. The Chief Conservator of Forests now reports that the boundary description is so vague that it is im-possible to follow the description on the ground owing to the altered condi-tions due to resurvey. He has accord-ingly submitted a draft notification under section 16 of the Act containing a revised boundary description closely following the details of the Revenue resurvey.

2 Section 16 of the Forest Act authorises the Governor-in-Council to publish a notification in the Fort St. George Gazette specifying the limits of a forest which it is intended to reserve

and

and declaring the same to be reserved from a date to be fixed by such notification. Such a notification can issue only when the events referred to in clauses (a), (b) and (c) of that section have occurred. The Advocate General is requested to advise whether the power under section 16 can be invoked to amend the original notification without following the antecedent procedure and without the occurrence of the events stated above. The Forest Act does not specifically confer power to re-define the boundaries of any area notified as a reserved forest.

22.6.33

24.6.33

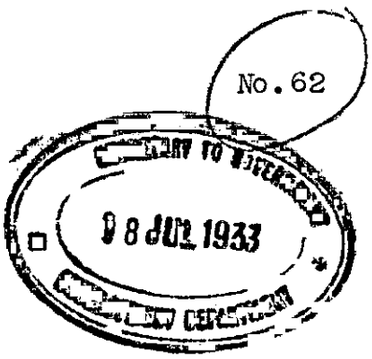
26/6

To the Advocate-General,
through the Govt. Solicitor

30/6

D.1579 1
18.7.33.

20



OPINION

Memorandum No.1107, I/33-3, dated the 29th June 1933, Development Department.

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In the circumstances set out in paragraph 1 of the memorandum, any amended notification would be a fresh notification in the eye of the law and to impart validity to it, all the conditions precedent to the issue of the notification will have to be complied with. It has been repeatedly held in decisions under the Forest Act that compliance with the statutory formalities is a necessary foundation of jurisdiction under the Act. In the circumstances, I cannot safely advise the course of action suggested in the memorandum.

Madras
16th July 1933

A. Krishnaswami
Advocate-General.

(True copy)

Ag. Government Solicitor.

21

DEVELOPMENT DEPARTMENT

From

H.M.Small Esq., M.A.,LL.B.,
Ag.Government Solicitor,
Madras.

To

The Secretary to Government
Development Department
Madras.

Received on 17-7-33

No./568

Forwarded with reference to Memorandum No.1107, I/33-3,dated 29th June 1933.

H.M.Small

Ag.Government Solicitor.

SD.

22 Dev. 1896-I
16-8-33

C.F. 30.

DEPARTMENT.

ASSISTANT SECRETARY TO GOVERNMENT
18 AUG 1933
DEVELOPMENT DEPARTMENT

Received ..... 19 *Registered* 19

Subject.

Revised boundary description - Veerakhamba bits I and II.

ENCLOSURES.
No. One
Exchange R^r.
Spare copies.....

Ref. No. 11015/30-D3.

Station Chepauk, Madras., *Dated the* 12th August 1933.

From (Name) A. Wimbush Esq., I.F.S.,
(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,
Development Department.

Sir,

Refce. Government Memorandum No. 1107-I/33-1, dated 22-6-1933.

The area within the new boundaries is identical with that comprised in the notification of 1906.

The exchange reminder dated 8-8-1933 is returned.

C. Sub 15-8-33.

For Chief Conservator.

14-8-33

K.P.N/14-8.

15-8-33

23

Leg Dept

OM 1107 T/33-1d

The S.G.P is requested to publish the appended notification in the next issue of the Fort St George Gazette, and to supply this Dept and the C.E. Fort with two copies each of the notification as soon as it is published

To S.G.P.

Appendix

[H.E. Notfn at pp 3-9 c]

18.5.33.

18.5.33

The matter is sent to Law (Dr) for scrutiny.

20.5.33. Law (Dr)

Dy 39(c)/27/5

Dy. 887/26.5.33

No. 1107 T/33-1

22-5-33.

P To

Law(Drafting)Dept.

The Madras Forest Act does not confer power to re-define the boundaries of any area notified as a reserved forest. Section 16 of that Act authorises the Governor in Council to publish a notification in the Fort St.George Gazette specifying the limits of a forest which it is intended to reserve, and declaring the same to be reserved from a date to be fixed by such notification. Such a notification can issue only when the events referred to in clauses (a),(b) and (c) of that section have occurred. Whether the power under section 16 can be invoked to amend a notification so issued without following the antecedent procedure and without the occurrence of the events referred to above, seems to be of doubtful. If the area comprised in the boundaries specified in Schedules I and II of the draft includes any land which was not included in the notification of 1906, it is absolutely clear that the procedure prescribed in sections 4 et seq should be followed. If on the other hand the area within the new boundaries is identical with the area comprised in the notification of 1906, the procedure prescribed by section 4 and the following sections would hardly be appropriate as ex hypothesi it is not "proposed to constitute any land a reserved forest" (within the meaning of section 4.) But this circumstance does not necessarily arm the Government with power to substitute new boundaries for the old, in the absence of a specific provision in that behalf In this connection see section 3(2) of the Cantonments Act which pecifically empowers the Local Government by notification to define the limits of a cantonment. In the absence of a similar provision in the Madras Forest Act, it is doubtful whether a notification like the one proposed would be in order. Perhaps the Advocate

25 25

General may be consulted in the matter.

Rec 12/6

Sec D.

Dra: 8077 12/6.

To A.S.

A draft on to the Advocate is submitted for approval.

D 1350 7/33
15.6.33

RH 20.6.33 There is no information in the office in regard to * at page 2 supra. The C.C.F. may be asked draft form is submitted for approval.

Issue RR 24.6.

Draft issued

Sec.

JAR 29.6.33 The opn to the Advocate General is for approval.

RR 24.6.33 S. AG 26/6

C2

H.M.C. 2 nor 27.6.33

dis 27/6

Issued as on 11077/33/6 to the CE D) 22.6.33 ℓ 17 Cf
" " 11077/33-2 to the Advocate D) 26.6.33. ℓ 18-19 Cf
CRO& 1579/33 for the Advocate Opinion no. 62 D 16.7.33 ℓ 20 Cf

To A.S.

Please see the Advocate's opinion at ℓ 20 Cf, ~~to the opn at ℓ 18-19 Cf. In the circumstances explained by him, transfers~~

P To

4 Yo

P. 20 CF

2. The advocate general considers that the orginal boundary cannot be amended without following the antecedent procedure and without the occurrence of the events referred to in clauses (a), (b) and (c) of Section 16 of the Act The file may be sent to the Law (Dg) repn. for perusal of the advocate general's opinion.

3. The next point for orders is what procedure should be adopted to achieve the object in view. Law (Dg) have stated that, if the area comprised in the boundaries specified in the schedules I and II at pages 3-4 CF includes any land which was not included in the notification of GOK, the procedure prescribed in sections 4 & 5 of the Act should be followed. There is no information on the point and the CCF has been asked - Vide om at page 17 CF - his reply is awaited.

At p. 2 Supra

4. If, on the other hand the area within the new boundaries is identical with the area within the

5 27

area comprised in the notification of 1906 then they are of opinion that the procedure prescribed by section 4 would hardly be appropriate. They have not however indicated what procedure should be adopted. Presumably the land specified in the notification of 1906 will first have to be disafforested and then constituted a reserve forest with the new boundaries. Law (Dft) may be requested to advise.

Adv. p. 2 C.F.

RR 24.7

5. On return of the file necessary instructions may be issued ~~from~~ to the C.C.F.

RR 24.7.33

Ft 25/7

24/7/33

Law (Dft)

D 1107 T 33-4
26.7.33

Dg 1280
27.7.33.
JUL 1933
PARTMENT

Law (Drafting)

The Adv. Genl's opinion may be perused with regard to the q^n raised in paragraph 4 of Development Department's note above. I submit that it will not arise if the C.C.F. says

6 28

that the boundaries have undergone alterⁿ — paragraph 3 of Devt's no at p 4 ante. Devtᵗ may be reque to send the file to us, if neces after the C C. F's reply has been received by them

X. V.R.
26/7/33

A

I think it is clear from the observations of this Dept and my note at p 2 ante that all the conditions precedent to exercise of the relaxation power have been satisfied. I should however wish the file to be seen by the Secretary

U.S.

Dy no 1880-I
27.7.33.

Dev't

Dev Dept

ASSISTANT SECRETARY TO GOVERNMENT
23 JUL 1933
DEVELOPMENT DEPARTMENT

Dev. 1683-I
28-7-33

TO A.S.

Please see law (Dfy) note above. The CC's reply to be seen on at ~~p 16-1 ct~~ page 17 cf may be awaited

RR
30.7.33

PM
29.7.33

29.7.33

f 22 ct [C No 1896/33 from the CC to Govt. dy 12.8.32]

TO A.S.

f 22 ct Please see portion marked A above and the CC's reply at p 22 ct. It is stated that the area within the new boundaries

29 F

identical with the notified area of 1906
Law (Dft) may now be requested to advise
as to the Course to be adopted in view
of their note at p. 2 supra

M
7.8.33

SR
18/8/33

Law (Dr)

11077/33-5
18.8.33
Drg 1551
23.8.33.

Law (Drafting) Department.

As the amending notification proposed will in law amount to a fresh notification under section 16, all the antecedent conditions required by that section should be complied with. As I have observed in my note at page 2 ante, it is inappropriate to follow the procedure prescribed in section 4 and the following sections when it is conceded that the area comprised within the amended boundaries is identical with the area already notified as a reserved forest and when consequently there is no proposal to "constitute any land a reserved forest" within the meaning of section 4. As the Act does not prescribe any appropriate procedure in cases like the present, I think the safer course would be to amend the Act by inserting a suitable provision on the lines of section 3 (2) of the Cantonments Act.

RECEIVED 22 JUL 933 LAW DEPT.

ASSISTANT SECRETARY TO GOVERNMENT 25 AUG 1933 DEVELOPMENT DEPARTMENT

Dev. 1973-I
25-8-33

Bar
23/8

Dev

Drg no. 1551-1
23.8.33.

Rev dept

TO A.S

Please see Law (Opn) note supra.
For orders whether the Act should be amended as advised by Law (Opn)

RV. 29/4 MM 28.8.33

Sec 3 (2) of the Cantonments Act provides that the Local Govt may by notification define the limits of any Cantonment. In the case in question the limits of the reserve forest have already been specified in the notification issued under sec 15 of the Forest Act, after giving notice to the parties affected and making enquiries into any claims that might have been preferred in that connection. If therefore the limits of the reserve are to be defined afresh it would appear necessary to give notices to the persons who hold lands adjoining the reserve so that they may press their claims if by inadvertence their lands are included within the new reserve limits. In that case the procedure to be followed will have to be specified. Law (Opn) may be requested to advise on these points and to

indicate the lines on which the proposed amendment should follow.

Law (Drafting) Department.

D 11077/33-B
1-9-33

I think the best thing to do is to insert a new section after section 16 of the Madras Forest Act somewhat to the following effect:--

GOVERNMENT
-2 SEP 1933
LAW DEPARTMENT

Dg. 1648
2.9.33.

"16A. Where the description of the limits of any reserved forest notified under section 16 is defective or is not clear in reference to existing facts, the Local Government may by notification in the Fort St. George Gazette redefine the limits of such reserved forest so as to remove the defect or make the description clear in reference to existing facts."

14/10/33

Dev

Dev. No. 1648-1
14.10.33

Dev Dept

ASSISTANT SECRETARY TO GOVERNMENT
18 OCT 1933
DEVELOPMENT DEPARTMENT

To AS.

For orders whether legislation as advised by Law (Dfg) will be undertaken. If so the case may be circulated. The memorandum placed below explains the case for the proposed legislation.

Dev. 2456-1
16-10-33

32

For orders

27/10

Cir 21.10.33
Rtd 27.10.33

H.M.C. 2 : To be sent to me after the ensuing sitting of the L.C. is over.

27-10-33.

TOA.S.

May be resubmitted to HmC 2

15.11.33

15/11/33

H.M.C. 2 It was only at the last sitting of the Legislative Council that Act another section of the Forest was amended. It will be extremely awkward to introduce another Bill in the Council to amend another section in the same Act before the expiry of some time. This piecemeal legislation is to be deprecated. The existing boundaries have apparently not caused any inconvenience for many years. Let them continue for some time more as they are. The suggested amendment may be made. No need to introduce it now.

17-11-33.

Cir. 17.11.33
Rtd 20.11.33

TOA.S.

The position may be explained to the CC.

A draft DO is submitted for approval.

24.11.33. After issue, the papers may be recorded.

26.11.33

27 TOA.S.

A draft order is submitted for approval

30.11.33 1.12.33

12.12

H 33

Development departt.

D.O.No. 1107 I/33-4, dated 27-11-33.

3/28.11.

Your letter No. 11015-30-D.3,

dated 9th May 1933 -Forests - South Kanar
Revised description of Virakhmaba Bits
I and II.

The Madras Forest Act, V of 1882
does not confer on Government power to
redefine the boundries of any area notifi
as a reserved forest under section 16 of
the Act. That section authorises the
Governor in Council to publish a notifica
-tion in the Fort St. George Gazette -
specifying the limits of a forest which it
is intended to reserve and declaring the
same to be reserved from a date to be
fixed by such a notification ; and such
notification can issue only when the
events referred to in clauses (a), (b)
and (c) of that section have occurred.
The question has been examined whether
the power under section 16 of the Act can
be invoked to amend the original notifica

-tion

notification without following the antecedent procedure and without the occurrence of the events. The Government ~~have~~ are advised that any amended notification would be a fresh notification under the law and that to impart validity to it all the conditions precedent to the issue of the notification will have to be complied with. It ~~was also pointed out that it~~ has been repeatedly held in decisions under the Forest Act that compliance with the statutory formalities is a necessary ~~prerequisite~~ foundation of jurisdiction under the Act. The only remedy in the circumstances is to amend the Act so as to take power for the Local Government to issue a notification redefining the limits of a reserve forest.

In view of the fact that one section of the Forest Act was recently amended, it ~~may~~ is considered not ~~be~~ desirable to introduce another Bill in the Council to amend another section; ~~and~~ piece-meal legislation is always to be deprecated. ~~Further,~~ the existing boundaries have not caused any real inconvenience.

Vide this note at front

The

The Government have therefore decided that the existing state of affairs may continue for some time longer.

27.11.33

27.11.33

Wimbush Esq., I.F.S.,
Chief Conservator of Forests.

M E M O R A N D U M

under rule 43(d) of the Business Rules.

pp 1-9 cf

~~The Chief Conservator of Forests submit~~ It was recently found necessary ~~a draft notification~~ redescribing the boundaries certain blocks in a reserved forest on the groun that the original boundary description ~~is~~ was vag and that it ~~is~~ was not possible to follow the descrip on the ground owing to the altered conditions du resurvey. ~~But~~ It was then noticed that the Madras Forest Act, V of 1882, does not confer on Government power to redefine t boundaries of any area notified as a reserved fore under section 16 of the Act. That section authori the Governor in Council to publish a notification the Fort St. George Gazette specifying the limits a forest which it is intended to reserve and decla the same to be reserved from a date to be fixed by such a notification and such notification can issue only when the events referred to in clauses (a),(b) and (c) of that section have occurred.

pp 10-29 CF

The ~~Advocate General~~ question was ~~consulted as to~~ examined whet the power under section (16) of the Act can be invoked t amend the original notification without following t antecedent procedure and without the occurrence of events. ~~He is of opinion~~ The Govt were advised that any amended notifica

(x) p 20 cf

tion

37

ald

1 be a fresh notification under the ~~eye of the~~ law

that to impart validity to it all the conditions

cedent to the issue of the notification will have

be complied with. ~~He adds~~ It was also pointed out to them that it has been repeatedly

d in decisions under the Forest Act that compliance

th the statutory formalities is a necessary founda-

on of jurisdiction under the Act.

The only remedy in ~~In~~ the circumstances ~~it is suggested that the~~ has been

remedy will be to amend the Act ~~so as to empower~~ is an amendment to the power of the

ocal Government to issue a notification redefining

he limits of a reserved forest. It is accordingly

roposed to insert the following as section 16-A of

he Act :-

16-A. Where the description of the limits of any reserved forest notified under section 16 is defective or is not clear in reference to existing facts, the Local Government may by notification in the Fort St. George Gazette redefine the limits of such reserved forest so as to remove the defect or make the description clear in reference to existing facts.

For orders whether such legislation may be

lertaken.

RC 26.10.33

27/10

e 10.83

he

Scott. II-5 (a)

26 / DLW DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Forests

South Kanara - Revised boundary description of Viralkhamba Betts I.F. - ~~proposals deferred papers recorded~~ Amendment of Forest Act - Proposed

READ AGAIN G.O. No. ....., dated 19

" " " ..... " 19

READ ALSO :—

C. No. 1107/33 From the CCF, No. 11015-20-D3 dated 9.3 1933

" " ..... " " On to the CCF " 1107/33-1 22-6-1933

" " ..... " " On to the Adcgh " - - 3 29.6.33

" " 1579/30 " " From the Adcgh " no 62 " 16.7 1933

" " 1896/30 " " - - CCF " 1105/30-D3 12-8-33

ORDER.

No. 1470, dated 4-12- 1933

MS

Recorded

RR
4/12/33

MM
30-11-33

JAR
1.12.33

~~To the CCF~~
~~(case file)~~

To the CCF
Dept

MMC
5/12/33

Scott. II-74—10,006—26-11-...

C. No. 450 1/32 Rev Department.

List of records put up.

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.
1470	4.12.33	~~Rev~~		
2750	26.7.1893	Rev		
550	22.6.1893	Rev		
4982	17.11.92	Rev		

Development department.

Letter No. 450 I/34-2 dated 12-3-24

To

The Secretary to the Government of
India, Department of Education,
Health and Lands.

Sir,

In 1906 certain areas in the South Kanara district of this Presidency were declared to be reserved forests by a notification under section 16 of the Madras Forest Act, 1882, and the boundaries of the areas were set out in the notification. The Chief Conservator of Forests, Madras, recently brought to the notice of Government that the boundary description in the notification referred to above was so vague that it is impossible to follow the description on the ground, owing to the altered conditions due to Revenue resurvey. He accordingly submitted a draft notification, redescribing the boundaries closely following the details of the Revenue resurvey. On examination it was found that the Madras Forest Act does

42

not confer power to redefine the boundaries of any area notified as a reserve forest. Section 16 of the Act authorises the Governor in Council to publish a notification in the Fort St. George Gazette specifying the limits of a forest which it is intended to reserve and declaring the same to be reserved from a date to be fixed by such notification. But such a notification can issue only when the ~~events~~ premises referred to in clauses (a) (b) and (c) of that section have been carried out. ~~occurred~~. Doubt was felt whether the power under section 16 of the Act can be invoked to redefine the boundary limits of a reserved forest without following the antecedent procedure and without the occurrence of the events stated above. The Advocate General, Madras, who was consulted has stated that he ~~could~~ can not safely advise the issue of a fresh notification as suggested by the Chief Conservator. He holds that any amended notification

p 20 of (E)

B

would be a fresh notification in the eye of the law, and that to impart validity to it, all the conditions precedent to the issue of the notification will have to be complied with. He added that it has been repeatedly held in decisions under the Forest Act that compliance with the statutory formalities is a necessary foundation of jurisdiction under the Act.

2 I am in this connection to invite the attention of the Government of India to their letters from the department of Revenue and Agriculture, No. 550-F, dated 24th May 1893, and No. 10-F, dated 20th June 1893, wherein they held that it is open to a Local Government to publish a notification substituting more exact, definite and intelligible boundaries in lieu of a description which though accurate at the time of publication has for some reason either become inaccurate or proved to be open to misconstruction.

44

They also held that there is no legal objection to the publication of a fresh notification amending descriptions of boundaries of forest reserves already notified under section 19 of the India — not kept up Forest Act, 1878, which corresponds to section ~~xf~~ 16 of Madras Act, 1882. I am therefore to enquire whether in view of the arguments adduced in para 1 above the Government of India still consider that the Local Government can issue a notification ~~xxxxxxxxx~~ in the form appended to their letter dated (B) 20th June 1893 quoted above. I am, in this connection, to invite attention ~~of the Government of India~~ to the fact that in ~~respect of~~ the Cantonments — not kept up Act, 1924, the E. A. I ~~they~~ have themselves taken power in express t erms to deal with similar situations.

I have etc.

Dpd. by ~~Var~~ Post ~~Messenger~~
Dpr.'s initials.
Date 14/3/1934

20.3.34
10382

45

D. 1687 I
19-6-34

No.F.77-1/34-F.

Government of India.

Department of Education, Health and Lands.

Simla, the 14th June, 1934.

From

M.S.A. Hydari, Esquire, I.C.S.

Offg. Joint Secretary to the Government of India.

To

The Secretary to the Government of Madras,

Development Department.

Powers of local Governments to re-define boundary limits of a reserved forest.

Sir,-

In reply to your letter No.450-I/34-2, dated the 12th March 1934, I am directed to state that the Government of India agree with the opinion given by the Advocate General, Madras, as stated in paragraph 1 of your letter.

2. There remains only the case when it is desired to supply a fuller or better description, in the light of changed conditions, of the identical area which formed the subject of the original notification In this class of case a court would, in the opinion of the Government of India, not look at the subsequent description save possibly as evidence of the meaning of the original description; if therefore the new description were found in fact to embrace an area different from the area embraced by the original description, it would be the latter which would be held to have been validly constituted a reserved forest. For this reason the Government of India deprecate the continued resort in such cases to the form of notification commended in paragraph 2 of the Revenue and Agriculture Department letter No.10F., dated the 20th June, 1893, on the ground that a notification in that form is calculated to convey the entirely erroneous impression

that its effect is to bring into being a statutory substitution of the new description for the original statutory description. If notifications are issued in this class of case they should merely recite that a fuller description of the area declared by the original notification to be reserved was published for general information.

I have the honour to be,

Sir,

Your most obedient servant,

Offg. Joint Secretary.

450 I/34

D.O. No.1291/34.D3 Madras, 14-2-34
9th February 1934.

FEB 14 1934

Dear Henderson,

Forest Boundaries.

When you wrote your D.O.No.1107-I/33[illegible], dated 27 Novr 1933, intimating that amended boundary notifications will not be legally valid, I wonder whether you were aware of the circulars of the Government of India communicated with G.O. No. 4982 Revenue, dated 17-11-1892 and No. 2750 Revenue dated 27-7-1893, since these circulars mention that there is no objection legally to the description of a Reserved Forest being amended by the substitution of a more exact and definite description. For years we have been having amended notifications issued by Government when the necessity arose and for some time past an Extra Assistant Conservator has been on special duty in Wynaad for the express purpose of checking forest boundaries. As a result of his work I had anticipated sending up revised notifications for several important reserves

Dew Dept

To Secy.

Please see the D.O above.

2/ The C.C. I was informed as in D.O at pp 33-35 of G.O 1470 Dev dated 4-12-33 at the instance of Law (M)

~~In view of the notifications~~

~~to by the C.C.F, that Deptt may be~~ requested to state whether there is any objection to Govt accepting the proposal of C.C.F contained in his letter at pp 1-9 of Go. 1470 (E) ~~Dev dated 4.12.33~~. The D.O. overleaf may be sent to Law (Dft) for remarks.

23-2-34

Yar
23234

Law (Dft.)

47

FEB 1934

Dev 450 I
24-2-34
Dft 485
24234

(E) Extract at pl 9 (E)

Law (Drafting)

The view taken in the previous note of this Department – pp 24 & 25 of Go. No 1470. Devt dt 4-12-33 – was endorsed by the Advocate-General – vide the opinion at page 20 of the same Go.

The Govt of India's Circulars referred to by the Chief Conservator merely state that "it has been ascertained that there is no legal objection" to the issue of a notific^n redefining the boundaries in cases like those considered in Go. No 1470 dt 4.12.33 (E) The terms of the legal opinion on which the Circulars of the G. of I. were based, are not before us. It is not therefore possible

(B) and (D)

A

S/4 30

visuetur pl (E)

X (4) 40 (E)

(2) h 20 (E)

A

to say how far the considerations referred to in this Department's previous × note and the opinion (4) of the Advocate-General were present before the G. of I.'s mind. It is noteworthy that in a recent G. of I. Act, viz the Cantonments Act of 1924, power has been taken in (3) express terms to deal with similar situations

II/1924

not pur up (3) S.3(2)

The safest course would undoubtedly be to enact a provision like that

B (E)

suggested at page 31 of G.O. No 1470/1933. It is for Development to consider whether action which the Advocate-General held he "cannot safely advise", should be taken, in reliance on the circulars of the G. of I. issued in 1893.

p. 20 of (E)

f.o. reverse

K M
24/2/34

for
24/2 U.S.

Dev

Dfg. No. 45/-1
26. 2. 34

Sec. 621-I
26-2-34

I
Sec

Please see the remarks of Law (Dfg) at pp 3-4 2-3 Supra.

2 With reference to A on pp 3-4 2-3 Supra it is for orders whether the Govt of India

ASSISTANT SECRETARY TO GOVERNMENT
26 FEB 1934
DEVELOPMENT DEPARTMENT

51 E 11

should be addressed ~~as~~ or the C.G. I may be informed that the Advocate General has expressed doubt about the legality of issuing a notification ~~getting~~ ~~by~~ ~~declaring~~ amending the description of a reserved forest already notified ~~as~~ and that in view of the fact the Govt of India themselves have in the Cantonments Act of 1924 taken power in express terms to deal with similar situations, ~~the~~ it is not safe to rely on the Circulars of Govt of India of 1893.

2-3-34 JAR 2/3/34

I think it is advisable to address the Govt. of India in this matter. The administrative convenience of ~~almost~~ correction by simple notification is obvious.

2/3

H.M.C. 2 ~~mar~~ 3-3-34

Draft 6/3

cired on 3-3-34
Ref 5/3/34
Pl. circulate
3.3.34
Read on 6.3.34

Seen

A draft letter to India is submitted for approval

6-3-34 JAR 10.3.34

Issued as Letter No. 450 E/34 dt 23-3-34

pp 1 to 4 : [From the Govt of India No. F-77-1/36-7 dt 14.6.36]

Please See the letter from the Govt of India at pp 5-6 C.F

2 The Govt of India agree with the opinion of the Advocate General madras that any amended notification redefining the boundary of a reserved forest, would be a fresh notification in the Eye of the Law and that to impart validity to it, all the Conditions precedent to the issue of the notification will have to be Complied with In the Circumstances the CCF may be informed that the DO at pp 33-35 of F.C. 1420 dtd dated 4-12-33 is final in the matter.

f. : p 5 C.F

Ch. B in pp 2-3 C.F

Sylvan-4 p 37 (E)

3 ~~The Govt decided~~

In para 2 of their letter at pp 5-6 C.F the Govt of India refers to cases where it is Contemplated to issue a notification to supply a fuller or better description in the light of Changed Conditions (presumably physical) of the identical area which formed the subject matter of the original notification In ~~Such~~

cases where the new description embraces an area differing from the area embraced by the original notification, it will be deemed to have been wholly cancelled. For this reason, they deprecate the issue of a rectification in the form commended in para 2 of their Circular of 20th June 1893, ~~for the reasons stated at A. above~~ (3)

4/ A draft DO is submitted for approval Law (Offs) may see the ~~enclosed~~ letter before issue.

RK 8.7.34

Law (Offs)

DO 7.7.34

Law (Offs) Dev 40 450 I/34-3

Seen Thanks.

The Govt of India also endorse as correct the view expressed by this Department.

12.7.34.

GOVERNMENT OF INDIA 14 JUL 1934 DG. 1641 16.7.34

K. VR. 14-7-34.

MR U.S. 16/7/34

Dept DG. No. 1641-1 16.7.34.

GOVERNMENT OF INDIA 18 JUL 1934 DEVELOPMENT DEPARTMENT

Dept D. 1961 I 19.7.34.

For orders as to the issue of the draft DO.

19.7.34 S.G. 19.7.34

RK 23.7.34 S. 24/7

54

Dev Deptt

D.O. No. 450 I/34-3 Dated 3/2/34

Ff 1-2 N.7

Your D.O. No. 1291/34 D3 dated 9.2.34 re. forest boundaries.

I am to enclose a copy of the letter to Govt of India No. 450 I/34-2 dated 12.3.34 and the reply thereto and to state that the decision of Govt conveyed to you in my D.O. No. 1107 I/33-4 dated 27.11.33 is final

Ff 1-4 C.7

× Pp 5-6 C.7.

Ff 33-35 g Gs. 1470 (E) 4.12.33

Dept withdrawn Cat 24/7

(Z.S.)

2/10

A. Wimbush Esq I.F.S. Dehra Dun.

C.7.

26/6/34

7.7.34.

IR 8.7.34

24/7